

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAY 09 2016

JULIA C. DUNN, CLERK  
BY:  DEPUTY CLERK

EDWIN MILLER,	)	CASE NO. 7:15CV00634
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
HAROLD CLARKE, <u>ET AL.</u> ,	)	By: Hon. Glen E. Conrad
	)	Chief United States District Judge
Defendants.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Defendants' motion to dismiss the complaint (ECF No. 18) is **GRANTED**; plaintiff's complaint as to his claims for monetary damages under RLUIPA and his claims against defendants in their official capacity under RLUIPA and § 1983 is **DISMISSED** with prejudice, but as to all other claims, the complaint is **DISMISSED** without prejudice to plaintiff's submission of an appropriate amended complaint;
2. Plaintiff's "motion for summary judgment" (ECF No. 25) is **DENIED**; and
3. Plaintiff is hereby **GRANTED** until June 1, 2016, to submit an amended complaint to correct the deficiencies noted in the court's opinion this day. In the alternative, plaintiff may move to withdraw this action without prejudice to his refiling of his claims at some later time in a new and separate civil action within the time limits allowed by statute.

ENTER: This 9<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Chief United States District Judge